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Date Issued: August 27, 1997

Case No.: 97-MSP-18

In the Matter of:

ALVARO CARREON,
Respondent

Before: JOHN M. VITTON
Chief Administrative Law Judge

DECISION AND ORDER

This case arises under the Migrant and Seasonal Agricultural Workers Protection Act (MSPA), 29 U.S.C. §§ 1801, et seq., and the implementing regulations at 29 C.F.R. Part 500.

By notice dated July 2, 1995, the Wage and Hour Division of the United States Department of Labor (DOL) notified Alvaro Carreon (Respondent) of the assessment of a civil money penalty (\$6,350). DOL alleged that Respondent violated the MSPA and its regulations thereunder. Respondent timely filed an exception to the civil money penalty.

On July 28, 1997, DOL filed an Order of Reference and Consent Findings (executed by the parties). Therein, DOL and Respondent informed this Office that they have negotiated a settlement of all disputed claims. Pursuant to 29 C.F.R. § 500.232, the parties request review of the agreement and an order disposing of this proceeding. Respondent, without admitting or denying the violations alleged by DOL, states that it is presently in compliance with the MSPA and its regulations and will continue in compliance. DOL has agreed to amend the civil money penalty by reducing the assessment to \$5,000. Respondent has agreed to pay the reduced civil money penalty as outlined in the Consent Findings. In addition, Respondent has agreed to withdraw the exception.

Upon review of the record, the Consent Findings are APPROVED. This agreement constitutes full and final resolution of this matter. It is ORDERED that:

- 1) this order shall have the same force and effect as an order made after full hearing;
- 2) the entire record upon which this order is based shall consist solely of the amended notice of administrative determination and the Consent Findings;
- 3) any further procedural steps before this Office are waived; and
- 4) any rights to challenge or contest the validity of this order entered into in accordance with this agreement are waived.

It is further ORDERED that this matter be DISMISSED.

JOHN M. VITTON
Chief Administrative Law Judge

Washington, D.C.

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